

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MASSACHUSETTS**

**JOHN GASKEY,**  
**Plaintiff**

**v.**

**MEDROBOTICS, INC. and**  
**SAMUEL STRAFACE**  
**Defendants**

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**No:**

**COMPLAINT**

**Introduction**

1. Plaintiff John Gaskey brings this action under 29 U.S.C. §207(a)(10 and 29 U.S.C. §216, and G.L. c. 151, §§1A & 1B to recover unpaid overtime wages in the form of earned paid off time earned for work he performed for Defendants Medrobotics and Samuel Straface.

**Parties**

2. Plaintiff is a resident of Carver, Massachusetts.
3. Defendants do business in Rayham, Massachusetts.

**Facts**

4. Plaintiff worked for Defendants from November 16, 2016 to March 1, 2019. He worked overtime all but the last week of his employment ("the relevant time period").
5. During the relevant time period, Defendant Medrobotics was at all times an enterprise engaged in commerce as defined by the Massachusetts Wage and Hour laws. Defendant Straface was the principal officer and/or owner of Medrobotics.
6. During the relevant time period, Defendants acted as employer of Plaintiff.

7. During the relevant time period, Defendants had the authority to exercise and in fact exercised the powers ordinarily associated with an employer over Plaintiff's employment activities.
8. Defendant were required to compensate Plaintiff in accordance with the requirements imposed on employers by the aforementioned laws including time and a half for overtime.
9. Plaintiff worked 1,130 hours of overtime for which he received no mandated time and a half pay.
10. After the last day of his employment and continuing to the present date Defendants failed to make said payments.
11. At the time his employment terminated he was owed approximately thirty thousand dollars for overtime.

**Count I: Massachusetts Overtime Claim**

12. Plaintiff re-alleges and incorporates by reference the above allegations.
13. Defendants violated G.L. c. 151, §§1A & 1B by failing to pay Plaintiff overtime.
14. Plaintiff has been damaged by said violations of G.L. c. 151, §§1A & 1B in the amount of approximately thirty thousand dollars.
15. Pursuant to G.L. c. G.L. c. 151, §§1A & 1B, Defendant is liable to Plaintiff for three times the amount owed to him, plus the costs and reasonable attorney's fees incurred in bringing this action.
16. Plaintiff filed a complaint with the Massachusetts Attorney General and received permission to bring this claim. (Exhibit A hereto).

**Count II: Fair Labor Standards Act**

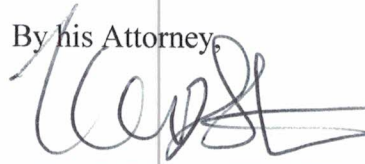
17. Plaintiff re-alleges and incorporates by reference the above allegations.
18. Defendants violated 29 U.S.C. §207(a)(1) by failing to pay Plaintiff overtime.
19. Plaintiff has been damaged by said violations of 29 U.S.C. §207(a)(1) in the amount of approximately thirty thousand dollars.
20. Pursuant to 29 U.S.C. §216 Defendant is liable to Plaintiff for the amount of said overtime and an additional equal amount as liquidated damages, plus the costs and reasonable attorney's fees incurred in bringing this action.

**Prayers for Relief**

WHEREFORE, Plaintiff respectfully requests that the Court:

- A. Determine the damages sustained by Plaintiff as a result of Defendants' violations of Massachusetts law, awarding treble those damages against Defendants in favor of Plaintiff, as well as prejudgment interest thereon.
- B. Determine the damages sustained by Plaintiff as a result of Defendants' violations of federal law, awarding treble those damages against Defendants in favor of Plaintiff, as well as prejudgment interest thereon.
- C. Award Plaintiff the costs and disbursements of his suit, including, without limitation, reasonable attorney's fees and expenses.
- D. Grant any other or further relief as the Court may deem just and proper.
- E. Allow the Plaintiff to amend this action to include others similarly situated if a small group action is allowed in the case of *Gammella v. Chang's China Bistro, Inc.*, currently pending before the Supreme Judicial Court.

By his Attorney,

A handwritten signature in dark ink, appearing to read 'Mark D. Stern', is written over a horizontal line.

Mark D. Stern

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